

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HUGO BARRY THOMPSON, JR.,)
Movant,)
v.) No. 4:09-CV-571 CEJ
UNITED STATES OF AMERICA,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on the motion of Hugo Barry Thompson to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

Pursuant to Rule 4 of the Rules Governing § 2255 Proceedings, the Court is required to conduct an initial review of the motion. Following review, the Court is required to summarily dismiss the motion “[i]f it plainly appears from the motion . . . that the moving party is not entitled to relief . . .” Rule 4 of the Rules Governing § 2255 Proceedings.

On July 27, 2007, after a jury trial, movant was found guilty of conspiracy to possess with intent to distribute in excess of 50 kilograms of marijuana. On October 5, 2007, movant was sentenced to a term of ninety-six months' imprisonment, to be followed by a three-year term of supervised release. The judgment was affirmed on appeal. United States v. Thompson, 533 F.3d 964 (8th Cir. 2008)

Movant now seeks to vacate his conviction, arguing that he is not subject to the laws of the United States. Movant states:

I, Hugo Thompson, ex rel, being a natural born man of Oklahoma state, was not born in any Federal District area, and is not a member, stockholder, nor property of the municipal corporation known as the "United States." No codicil, label, deed-poll, nor the like is attached to his claim on the "Bill of Rights."

Relator is not a Consensual Party to, nor subject of any Corporate Contracts between the United States and the State of Missouri, nor Oklahoma. And Relator is not subject to a federal grand jury, for alleged violations of State Criminal Statutes, rules, regulation and the like thereof, "deemed" to be Federal.

In support of his motion, movant contends that the Court lacked subject matter and personal jurisdiction, the criminal case was brought in an improper venue, he was insufficiently served with process, the indictment failed to state a claim upon which relief could be granted, and the government failed to join a party under Federal Rule of Civil Procedure 19.

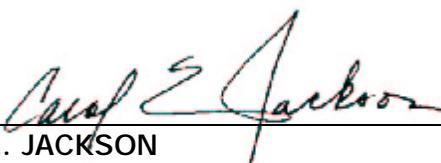
The grounds movant asserts in his motion are not cognizable in a proceeding under 28 U.S.C. § 2255. Moreover, movant's assertion that he is not subject to the laws of the United States if patently frivolous. Therefore, movant's motion to vacate will be denied.

Accordingly,

IT IS HEREBY ORDERED that movant's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is denied.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability, because movant has failed to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

Dated this 2nd day of June, 2009.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE